



U.S. Department of Justice

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By ECF

Honorable Eric N. Vitaliano
United States District Judge
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

April 18, 2025

Re: *Barrios v. U.S. Dep't of Homeland Security*, No. 25-cv-1759 (Vitaliano, J.)

Dear Judge Vitaliano:

This Office represents the U.S. Department of Homeland Security (“DHS”) and DHS Secretary Kristi Noem (collectively, “Respondents”) in the above-referenced matter. Defendants respectfully write for two reasons. First, Respondents note that they do not oppose the motion to appoint counsel filed yesterday by Petitioner *pro se* Gloria Browning Vaamondes Barrios (“Browning”). *See* ECF No. 5. Second, Respondents request a one-week extension of time to respond to the Court’s Order to Show Cause dated April 3, 2025 (“OTSC”), from April 22, 2025 to April 29, 2025. Browning does not consent to this extension request.¹

Browning brings this action as next friend of her putative husband, Petitioner Miguel Vaamondes Barrios (“Barrios”) (collectively, “Petitioners”). Broadly construing the *pro se* pleading, Petitioners appear to be seeking a writ of *habeas corpus* pursuant to 28 U.S.C. § 2241. *See* Petition, ECF No. 1. Petitioners allege that Barrios “had a removal order to his home country of Venezuela,” but that, on March 15, 2025, he was removed from Texas to El Salvador. *See id.* at § III (Statement of Claim). Petitioners request that this Court order that Barrios “be removed” from El Salvador to Venezuela. *See id.* at § IV (Relief). Records obtained to date indicate that, during the time he was detained by Immigration and Customs Enforcement (“ICE”)—May 15, 2024 until March 15, 2025—Barrios was never in ICE custody within the Eastern District of New York. Moreover, after both ICE and Barrios waived appeal, on December 2, 2024, Barrios became subject to a final order of removal, and his detention and removal were effected pursuant to 8 U.S.C. § 1231, Immigration and Nationality Act (“INA”) § 241.

Since Respondents’ first extension request, *see* ECF No. 4, this Office has continued to work diligently with DHS and ICE, and also the Executive Office of Immigration Review (“EOIR”) and U.S. Citizenship and Immigration Services (“USCIS”), to gather the records needed to respond to the Petition and to comply with the Court’s April 8, 2025 Order directing Defendants to “identify and attach as exhibits all immigration proceedings relating to [Petitioner Miguel], including any removal proceedings and appeals to the Board of Immigration Appeals.” *See* ECF

¹ When the undersigned emailed Browning yesterday to request her consent, Browning provided her reason for not consenting by responsive email stating, “In good faith, I decline your request for consent to an additional one week extension of time. Respectfully, My husband is sitting in CECOT, to which I believe unlawfully and I don’t believe time is on my side.”

Order dated Apr. 8, 2025. Upon information and belief, the proceedings comprise over 600 pages of documents, and audio recordings of EOIR hearings. Given the size of the record, the fact that decisionmakers have been, or will be, out of the office for religious observance, and, as previously mentioned, the fact that all such proceedings occurred outside of this District, this Office needs additional time to obtain, review, and produce the record of proceedings, as well as respond to the Petition.

Therefore, Respondents respectfully request a one-week extension of time, until April 29, 2025, to respond to the OTSC. This is the second request for an extension in this action and it would not affect any other deadlines or court appearances. The first request was granted. *See* ECF Order dated Apr. 16, 2025.

Respondents thank the Court for its time and consideration of this request.

Respectfully submitted,

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cc: Gloria Browning Vaamondes Barrios, Plaintiff *pro se* (by FedEx and email)